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Standing Rules

FOR THE

HOUSE OF REPRESENTATIVES

OF THE

Provisional Government

OF THE

TERRITORY OF JEFFERSON.

FIRST SESSION.

DENVER CITY:
Wm. N. Byers & Co., Printers.
1859.

JOINT RULES

Of the Council and House of Representatives of the Territory of Jefferson.

1. In every case of an amendment of a bill agreed to in one house, and dissented to in the other, if either house shall request a conference, and appoint a committee for that purpose, and the other house shall appoint a committee to confer, such committees shall, at a convenient hour, to be agreed upon by their chairman, meet and state to each other verbally, or in writing, as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each house may determine to be proper, and they may be transmitted from one house to the other at any time, provided neither house shall have adjourned for a longer period than one day.

5. While bills are on their passage between the two houses, they shall be on paper, and under the signature of the Chief Clerk of each house respectively.

6. After a bill shall have passed both houses, it shall be duly enrolled by the Enrolling Clerk of the House of Representatives, or of the Council, as the bill may have originated in the one or the other house, before it shall be presented to the Governor of the Territory for his approval.

7. When bills are enrolled, they shall be examined by a joint committee of three from the Council and from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolled bills with the engrossed bills, as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective houses.

8. After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the House of Representatives, then by the President of the Council.

9. After a bill shall have been thus signed in each house, it shall be presented, by the said committee, to the Governor for his approbation, (it being first endorsed on the back of the roll, certifying in which house the same originated; which endorsement shall be signed by the Chief Clerk of the house in which the same did originate,) and shall be entered on the journal of each house. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the journal of each house.

10. All orders, resolutions and votes which are to be presented to the Governor of the

Territory for his approbation, shall also, in the same manner, be enrolled, examined and signed; and shall be presented in the same manner, and by the same committee as provided in cases of bills.

11. When the Council and House of Representatives shall judge it proper to make a joint address to the Governor, it shall be presented to him by the President of the Council, in the presence of the Speaker and both houses.

12. When a bill or resolution, which has been passed in one house, shall be rejected in the other, it shall not be brought in during the same session without leave of two-thirds of that house in which it shall be renewed.

13. Each house shall transmit, in case they are demanded, all papers on which any bill or resolution shall be founded.

14. After each house shall have adhered to their disagreement, a bill or resolution shall be lost.

ORDER OF BUSINESS OF THE HOUSE OF REPRESENTATIVES.

1. Presentation of Petitions.
2. Resolutions, Notices and Motions.
3. Reports of Committees.
4. Messages and other Executive Communications.
5. Messages from the Council and Amendments proposed by the Council to bills of the House.
6. Bills and Resolutions from the Council on their first and second reading.
7. Engrossed Bills and Bills from the Council on their third reading.
8. Bills of the House and from the Council on the Speaker's table.
9. Special Orders of the day.
10. General Orders of the day.

RULES OF THE HOUSE OF REPRESENTATIVES.

OF THE DUTIES OF THE SPEAKER.

1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journals of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye;" and, after the affirmative voice is expressed, "As many as are of the contrary opinion, say No." If the Speaker doubts, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5. When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker.

6. The Speaker shall examine and correct the journal before it is read. He shall have a general direction of the hall. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

7. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

8. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained. And in all ballotings, blanks shall be rejected, and not taken into the count in the enumeration of votes, or reported by the tellers.

9. In all cases of an election by the House, the Speaker shall vote: in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority will make the division equal; and, in case of such equal division, the question shall be lost.

10. In all cases where other than members of the House may be eligible to an office by the election of the House, there shall be a previous nomination.

11. In all cases of election by the House of its officers, the vote shall be taken *vive voce*

12. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants and subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

13. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker, (or chairman of the committee of the whole House) shall have power to order the same to be cleared.

14. No person except members of the Council, their Secretary, Governor, Secretary, Judges of the Supreme Court, Marshal, Attorney General of the Territory, and Chaplains of the Legislative Assembly, and such other persons as the House may deem it proper to admit, shall be admitted within the hall of the House of Representatives.

ORDDR OF BUSINESS OF THE DAY.

15. As soon as the journal is read, the Speaker shall call for petitions from the members of each district, and if, on any day, the whole of the districts shall not be called, the Speaker shall begin on the next day where he left off the previous day.

16. All the districts shall be called for resolutions on each day during the session of the Legislative Assembly, and all resolutions which shall give rise to debate, shall lie over for discussion one day.

17. After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day, when being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

1st. Messages and other Executive communications

2d. Messages from the Council, and amendments proposed by the Council to bills of the House.

3d. Bills and resolutions from the Council on their first and second reading, that they be referred to the committees, and put under way; but if, on being read a second time, no motion be made to commit, they are to be ordered to their third reading, unless objection be made, in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.

4th. Engrossed bills and bills from the Council on their third reading.

5th. Bills of the House and from the Council, on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading. The messages, communications and bills on his table, having been disposed of, the Speaker shall then proceed to call the orders of the day.

OF DECORUM AND DEBATE.

18. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality.

19. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed, if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and, if the case require it, he shall be liable to the censure of the House.

20. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table, and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.

21. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

22. No member shall speak more than once on the same question, without leave of the House, unless he be the mover, proposer, or introducer, of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

23. If a question pending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken on the preceding day shall be permitted again to speak without leave.

24. While the Speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor, in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking, shall pass between him and the chair. Every member shall remain uncovered during the session of the House. No member, or other person, shall visit or remain by the clerk's table while the ayes and nays are calling, or ballots are counting.

25. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put. And when any member shall ask leave to vote, the Speaker shall propound to him the question, "Were you within the bar when your name was called?"

26. Upon a division and count of the House on any question, no member without the bar shall be counted.

27. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the ayes and nays is commenced; and any member requesting to be excused from voting may make

a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

28. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the chair, and read aloud by the clerk before debated.

29. Every motion shall be reduced to writing, if the Speaker or any member desires it.

30. After the motion is stated by the Speaker, or read by the clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

31. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

32. When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:—The committee of the whole; a standing committee; a select committee.

33. A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order: these motions, and the motion to lie on the table, shall be decided without debate.

34. The hour at which every motion to adjourn is made, shall be entered on the journal.

35. The previous question shall be in this form, "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the House to a direct vote upon amendments reported by a committee, if any upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

36. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise without debate.

37. Any member may call for the division of a question, which shall be divided, if it comprehend propositions in substance so distinct, that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

38. Motions and reports may be committed at the pleasure of the House.

39. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

40. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or succeeding day; and such motion shall take precedence of all other questions except a motion to adjourn.

41. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

42. The unfinished business in which the House was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other

business shall be received without special leave of the House until the former is disposed of.

43. Every order, resolution or vote, to which the concurrence of the Council shall be necessary, shall be read to the House, and laid on the table, on a day preceeding that in which the same shall be moved, unless the House shall otherwise expressly allow.

44. Any five members shall be authorized to compel the attendance of absent members, and also, to call the yeas and nays.

45. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

46. No member shall absent himself from the service of the House, unless he have leave, or be sick, or unable to attend.

47. A sergeant-at-arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sittings; to execute the commands of the House from time to time; together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

48. The sergeant-at-arms and doorkeeper shall be sworn to keep the secrets of the House.

49. The regular standing committees of the House shall be—

Committee on Judiciary, - - - - -	J. C. Moore, Chairman,
	C. C. Post,
	W. M. Slaughter.
Committee on Finannce, - - - - -	Wm. Davidson, Chairman,
	D. K. Wall,
	S. B. Kellogg,
Committee on Education, - - - - -	M. D. Hickman, Chairman,
	Wm. Davidson,
	Edwin James.
Committee on Corporations, - - - -	C. P. Hall, Chairman,
	Asa Smith,
	Miles Patten.
Committee on Elections, - - - - -	Edwin James, Chairman,
	J. A. Hallock,
	T. L. Golden.
Committee on Ways and Means, - -	W. M. Slaughter, Chairman,
	J. S. Allen,
	W. P. McClure.
Committee on County Organizations—	Z. Jackson, Chairman.
	C. P. Hall,
	A. McFadden.
Committee on Printing, - - - - -	S. B. Kellogg, Chairman,
	A. J. Edwards,
	M. D. Hickman,
Committee on Engrossed Bills, - -	J. S. Stone, Chairman,
	D. K. Wall,
	J. S. Allen.
Committee on Enrolled Bills, - -	William Davidson, Chairman.
	John C. Moore.
Committee on Apportionments, - -	T. L. Golden, Chairman,
	J. C. Moore,
	A. McFadden.
Committee on Militia, - - - - -	C. P. Hall, Chairman.
	Edwin James,
	M. D. Hickman.

50. It shall be the duty of the Committee on Elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House; and to take into their consideration all such petitions, and other matters touching elections and returns, as shall or may be presented, or come into question, and be referred to them by the House.

51. The several standing committees of the House shall have leave to report by bill or otherwise.

52. It shall be the duty of the clerk of the House, at the end of each session, to send a printed copy of the journals thereof to the Executive and to each branch of the Legislature of every State.

53. All questions of order shall be noted by the clerk, with the decision, and put together at the end of the journal of every section.

OF BILLS.

54. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion; and the motion shall be made, and the bill introduced, if leave is given. when resolutions are called for; such motion, or the bill when introduced, may be committed. Every amendment proposed by a member shall be presented to the clerk in writing, in the exact words in which it is intended to amend the matter under consideration.

55. Every bill shall receive three several readings in the House previous to its passage, and bills shall be dispatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without the special order of the House.

56. The first reading of the bill shall be for information, and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

57. Upon a second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and if committed, then a question shall be, whether to a select or standing committee, or to a committee of the whole House; if to a committee of the whole House, the House shall determine on what day: if no motion be made to commit, the question shall be stated on its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed in the general file on the Speaker's table, to be taken up in its order. But if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.

58. After commitment and report thereof to the House, or at any time before its passage, a bill may be re-committed.

59. All bills ordered to be engrossed, shall be executed in a fair round hand-

60. When a bill shall pass, it shall be certified by the clerk, noting the passage at the foot thereof.

61. No standing rule or order of the House shall be rescinded, changed or suspended except by a vote of at least two-thirds of the members present. Nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two thirds of the members present.

62. It shall be in order for the Committee on Enrolled Bills to report at any time.

63. The rules of Parliamentary practice comprised in Jefferson's Manuel, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and joint rules of the Council and House of Representatives.

64. No bill or question which has been once passed or rejected, shall be called up for consideration during the same session, unless two-thirds of the House shall be in favor of taking up the same.

65. No amendment by way of rider shall be received to any bill on its third reading.

ENACTING CLAUSE.

Be it enacted by the General Assembly of the Provisional Government of the Territory of Jefferson, the Governor approving.